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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,263	03/25/2004	Andreas Nordbryhn	RR-391 PCT/US CIP#1 (E344)	6917
20427	7590	11/14/2005	EXAMINER KASSA, YOSEF	
RODMAN RODMAN 7 SOUTH BROADWAY WHITE PLAINS, NY 10601			ART UNIT 2623	PAPER NUMBER

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/809,263

Applicant(s)

NORDBRYHN ET AL.

Examiner

YOSEF KASSA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03/25/2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Specification Objection

1. The abstract of the disclosure is objected to because the abstract should be in narrative form and generally limited to a **single paragraph** on a separate sheet within the range of 50 to 150 words, that is, the phrase "FIGS. 3a, 3b and 4" and "907-24" must be deleted from the abstract page. Correction is required. See MPEP § 608.01(b).
2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al (U.S. Patent 5,443,164), and further in view of Fitzmorris et al (U.S. Patent 4,691,231).

With regard to claim 1, Walsh discloses detecting by means of a video camera (see Fig. 1, items 22 and 24 for video cameras) the container when moved in a lying posture into or past a detection zone of the video camera (refer to Fig. 1, bottle 21 moving in a lying position, passing by camera 22 and 24) and the manner by which the container is inserted at said inlet (note that bottle 21 enters to transfer chute 38 also see col. 4, lines 21-33),

determining whether the container is moved into the detection zone with its first end

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first or with its second end first, (note that bottle 21 in Fig. 1, passing through cameras 22 and 24 with its bottom end of the bottle entering the transfer chute 38), and

either transporting the container to said outlet if it is delivered into the detection zone with its first end first (see col. 4, lines 26-33, the bottle is transfer to the output 77 with bottom position).

Walsh does not disclose expressly for handling an empty beverage container. However, at the same field of endeavor, Fitzmorris discloses this feature (see col. 5, lines 16-20). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Fitzmorris bottle inspection system into Walsh system. The suggestion/motivation doing so is to provide bottle inspection apparatus sensitive to both defects and high contrast between bottles (see col. 3, lines 45-49). Therefore, it would have been obvious to combine Fitzmorris with Walsh to obtain the invention as specified in claims 1.

With regard to claim 2, Walsh is silent about upon return of the container to the inlet, the further step of: issuing a prompt to a return vending machine user to remove the container and reinsert it into the inlet with its first end first. However, at the same field of endeavor, Fitzmorris discloses this feature (see col. 14, lines 25-29). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Fitzmorris bottle inspection system into Walsh system. The suggestion/motivation doing so is to provide the process of manually assisting to relieve the jam or other fault (see col. 3, lines 23-29). Therefore, it would have been obvious to combine Fitzmorris with Walsh to obtain the invention as specified in claims 2.

With regard to claim 3, Walsh discloses step of determining a most suitable video image obtained by the video camera with a view to recognition and identification of the container (see col. 4, lines 21-33).

With regard to claim 4, Walsh is silent about steps of observing any longitudinal markings in the video image of a container being a bottle, emitting a signal indicating that the container fully or partly contains liquid or another substance, and possibly returning the container to the user for emptying prior to reinsertion. However, at the same field of endeavor, Fitzmorris discloses steps of observing any longitudinal markings in the video image of a container being a bottle (see col. 7, lines 42-51), emitting a signal indicating that the container fully or partly contains liquid or another substance (see col. 5, lines 16-23), and possibly returning the container to the user for emptying prior to reinsertion (see co. 14, lines 25-29). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Fitzmorris bottle inspection system into Walsh system. The suggestion/motivation doing so is to provide bottle inspection process, the bottle are processed when resting directly against one another (see col. 3, lines 23-29). Therefore, it would have been obvious to combine Fitzmorris with Walsh to obtain the invention as specified in claim 4.

With regard to claim 5, Walsh discloses wherein said manner of insertion is related to orientation of the container (see col. 4, lines 25-33).

Claim 6 is similarly analyzed and rejected the same as claim 1. Except, the additional limitation of video analyzer has calculator component for determining when

the container moves in a lying posture into the detection zone, and device user to reinsert the container. However, at the same field of endeavor, Fitzmorris discloses these features (see col. 8, lines 36-44). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate the teaching of Fitzmorris bottle inspection system into Walsh system. The suggestion/motivation doing so is to provide the process of recording of passing bottles in the views of the video cameras (see col. 8, lines 12-17). Therefore, it would have been obvious to combine Fitzmorris with Walsh to obtain the invention as specified in claim 6.

Claim 7 is similarly analyzed and rejected the same as claim 2.

With regard to claim 8, Walsh discloses wherein a position detector is provided, capable of determining position and movement of the container in a viewing region of the video camera on basis of continuous detection of position and movement of the container in the video image (see col. 4, lines 21-29).

Claim 9 is similarly analyzed and rejected the same as claim 3.

Claim 10 is similarly analyzed and rejected the same as claim 4.

Other Prior Art Cited

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Patent No. (5414100), (5314072), (5492216) and (5675516).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (571) 272-

7452. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JINGGE WU can be reached on (571) 272-7429. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communication and (571) 273-8300 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PATENT EXAMINER

Yosef Kassa



11/08/05.



JINGGE WU
PRIMARY EXAMINER